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February 17, 2022

**VIA ECF**

The Honorable Robert W. Leuhrburger  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 18D  
New York, NY 10007

Re: *Antolini v. Brue, et al.*  
Case No.: 1:22-cv-00730-PAE-RWL  
Response to Plaintiff's February 4, 2022 Letter to the Court

Your Honor:

We represent defendants Seth Cohen, David Rodolitz, Amar Lalvani Alexander Stupak, Sada One LLC and Empellon, LLC, in the above-referenced matter. We write jointly with counsel for defendant, 230W 4ST LLC, a new defendant in this action, in response to counsel for plaintiff, Stuart Finkelstein's February 4, 2022 letter to Your Honor, purporting to set forth a basis to maintain a new action brought under the Americans with Disabilities Act ("ADA") in this Court, in direct violation of his bail requirements [ECF Document 30].

Defendants were perplexed when they received notification of a similar, but nonetheless, brand new ADA lawsuit brought against their clients, three years after Mr. Finkelstein abruptly and voluntarily withdrew his Complaint, dismissing the matter, presumably as a result of the criminal investigation brought against him at or around that time. Mr. Finkelstein was charged with mail fraud, aggravated identity theft, obstruction of justice, and filing false declarations with a court, eight months later, on November 12, 2019. One of Mr. Finkelstein's bail conditions was that he be prohibited from bringing new ADA actions in the State of New York.

On November 27, 2018, plaintiff, Dino Antolini, the purported same plaintiff bringing the instant action with Mr. Finkelstein as counsel here, filed a complaint under the ADA against certain entities allegedly related to Empellon restaurant located at 230 West 4th Street, New York, NY 10014. The undersigned represented the defendants in that matter. In the middle of defendants developing a response to the original complaint, Mr. Finkelstein abruptly filed a stipulation dismissing the matter, without any notice or explanation to the undersigned.

Plaintiff admits in his February 4, 2022 letter to the Court, that he first attempted to file an amended complaint to the original action, but was denied. It is apparent that Mr. Finkelstein first sought this avenue with the understanding of the restrictions imposed on him as a result of his bail

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conditions. However, Mr. Finkelstein boldly proceeded to file a new complaint on January 28, 2022. Plaintiff concedes that this complaint includes new defendants, and includes additional factual allegations. Thus, this is not an identical complaint to the original, as that matter was dismissed by this Court in 2019.

Defendants respectfully request this Court prohibit Mr. Finkelstein from continuing misconduct by dismissing this matter, which is in direct violation of the bail conditions imposed by 21-CR-217.

We appreciate the Court's attention to these matters and are available at the Court's convenience should it have any questions, or requires briefing on these issues.

Respectfully submitted,

*Benjamin A. Levine*

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All Counsel of Record (*via* ECF)